

REMARKS

Reconsideration and allowance of the above-identified Application in view of the above amendments and the following remarks are respectfully requested.

Claims 1-34 and 36-54 are pending in the Application. Claims 1-6, 8-33 and 36-45 have been withdrawn from consideration.

Applicant's representative thanks the Examiner for courtesies extended in a personal interview on May 4, 2004.

The Examiner objected to claims 53 and 54 for lacking antecedent basis for "said liquid crystal layer." Applicant has corrected the clerical error in claims 53 and 54 introduced with a previous amendment by changing reference to the liquid crystal to a variable refractive index substance.

The Examiner rejected claims 7, 34, 46, 52, 53 and 54 under 35 U.S.C. § 102(e) as being anticipated by Koops (U.S. Patent No. 6,064,506). The Examiner rejected claims 47-51 under 35 U.S.C. § 103(a) as being unpatentable over Koops. Applicant respectfully traverses for at least the following reasons.

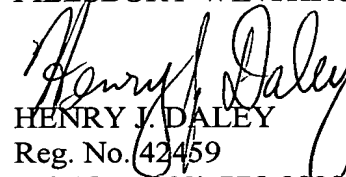
Koops describes adjustable photonic crystals that act as switches which either reflect light completely or allow the light to pass through the crystal. The photonic crystals disclosed in Koops have a periodic array of "needles". There is no suggestion in Koops for using the adjustable photonic crystals in any other way except as a switch which merely reflects light completely or allows it to pass through. Applicants have amended each of independent claims 7, 34, 53 and 54 to clarify the difference over Koops. These amendments are fully supported by the specification. For example, the Examiner's attention is directed to Figures 8 and 20 and related discussion in the specification. Therefore, Applicant respectfully submits that claims 7, 34, 53 and 54, and claims dependent therefrom, are now in condition for allowance and requests that the rejections under 35 U.S.C. §§ 102(e) and 103(a) be withdrawn.

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Respectfully submitted,

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